

**RHODE ISLAND BOARD OF NURSE REGISTRATION AND NURSING  
EDUCATION**

**MINUTES OF MEETING**

**OPEN SESSION**

**November 9, 2009**

**The Open Session of the Rhode Island Board of Nurse Registration and Nursing Education was called to order at 8:35 am on the above date in room 401, Department of Health, three Capitol Hill, Providence, Rhode Island, pursuant to the applicable provisions of the Open Meetings Law, so called, and other applicable sections of the General Laws of the State of Rhode Island as amended.**

**RHODE ISLAND BOARD OF NURSE REGISTRATION AND NURSING**

**Genevieve Rodrigues, LPN**

**Sandra Mergerdichian, RN, MS Vice President**

**Catherine Rose, RN, MS,**

**Anne Tierney, RN, CRNA Secretary**

**Joslin Leasca, RN, MS, RNP, President**

**Cristiana Rosa, MS, RN, PCNS**

**Michael Gerhardt**

**Sharon Smith RN, MS**

**Peggy Matteson, RN, PhD**

**Theresa Jeremiah, RN**

**Manuella Raposo**

## **BOARD MEMBERS NOT IN ATTENDANCE**

**Jeannine Borozny, RN**

## **STAFF MEMBERS IN ATTENDANCE**

**Pam McCue, RN, MS Director**

### **1. ESTABLISHMENT OF A QUORUM**

**President Joslin Leasca called the meeting to order at 8:35 am. A quorum was established at this time. Dr. Gifford stepped into the meeting to give an H1N1 update. He discussed the Dept. of Health's plan to immunize pregnant women and children first. He stated that the Department follows these criteria very closely and their licensing boards will contact health care providers that do not administer vaccines according to these criteria.**

### **2. PRESENTATION OF MINUTES OF OPEN SESSION OF September 14, 2009**

**On motion of Ms Peggy Matteson, seconded by Ms Sandra Mergerdichian it was voted to accept the minutes as written.**

### **3. PRESIDENT'S REPORT**

**President Leasca reported that S471 sponsored by Senator Doyle has passed and will go into effect in January 2010. She explained the legislation regarding nurse practitioners as related to insurance and collaborative rules. She reported that this is a great day for nurse practitioners in the state. The legislation is at the Governor's desk to be signed and will be active January 2010.**

**Ms Leasca informed the Board that Pam McCue is one of the alumni of Rhode Island College highlighted on its website. Ms McCue is a proud graduate of the college of nursing. Ms Leasca also recognized Ms McCue for her work in the Department's H1N1 response as well as maintaining the work of the Board.**

### **4. DIRECTOR'S REPORT**

**H1N1 School clinics/School Nurse Teachers: Ms. McCue thanked the Board for their recognition of her work. She discussed the exemplary work by the school nurse teachers in assisting in the school vaccine clinics.**

**AMA Scope of Practice Document: The American Medical Association has published a document on the scope of practice of Nurse Practitioners. The National Council will be reviewing this lengthy document. The document has been emailed to Board**

members for their review. President Lesca pointed out that this Board makes decisions based on rules, regulations and legislation and not political material

**NCLEX Scores:** The NCLEX scores have been published. All schools have met the 80% pass rate. The reporting period is 10/01/08 to 9/30/09. This is the regulatory time period for pass rates on NCLEX. The scores are published on HEALTH's website.

A sex offender database cross referenced with nurse licensing data will be available to Rhode Island in two weeks by the NCSBN. This will be an ongoing feature for Boards of Nursing.

The National Council is looking at the role of continuing competency. In Rhode Island ten hours of continuing education is required with each license renewal. Certification was discussed and if this was a way of documenting competency. National Council is developing research questions. PhD nurses are participating to conduct the studies.

## **5. OLD BUSINESS**

**No Responses from Nurses:** Draft letters for "opening a complaint" were presented for review. It was pointed out that most nurses respond to the first letter. Ms McCue explained the process. The letter dated November 9th is the draft of the first letter. Ms McCue

indicated that the letter didn't include "handwritten response not accepted", but will be added. The first letter gives the nurse 3 weeks to respond. The second letter is sent by certified mail. Mr. Gerhardt suggested that "failure to respond will result in the Board reviewing what is currently in the file and could result in discipline of your license up to and including suspension". The second letter gives the nurse 10 days to respond. The Board agreed to include this language.

**Repeated requests for Continuances by Attorneys:** Discussion occurred regarding preventing on going continuance requests by Attorneys as a tactic not to resolve the issue. Ms Megerdichian expressed that this practice could lead to incompetent nurses holding active licenses while their attorney continues to use stall tactics. Ms McCue presented a policy on limiting continuances. The board discussed the policy and made further recommendations. Ms Leasca stated that more discussion on this issue is needed and requested that the Board agree to defer this item until after New Business.

## **6. NEW BUSINESS**

**NEIT Application:** Application discussed. Ms. Matteson made a motion to grant New England Institute of Technology (NEIT) initial

approval as a nursing education program in Rhode Island. Seconded by Ms. Rose. Discussion followed regarding a summary of the site visit. Ms. Mergerdichian and Ms Leasca conducted the site visit. Mr. Gerhardt asked what their anticipated enrollment would be. NEIT responded that 50 students would be enrolled in the spring with another 50 in the fall. Ms. Matteson asked how they would hire faculty. Dr. Wylie, Provost, answered that they will be doing a national search. They are waiting for approval before announcing the program nationally. Ms. Smith asked if they had a backup plan. Mr. Wylie answered that they need qualified people and can't start the program without qualified faculty. Mr. Gerhardt asked if they have a PR plan. Mr. Wylie responded that there will be a web announcement and then an add in the Providence Journal. Donna Policastro from RISNA congratulated them on their program and encouraged them to reach out to supporters. Ruth Ricciarelli, from the Hospital Association stated that the Hospital Association Board of Trustees support this program and look at this as enhancing the nursing workforce. Ms Ricciarelli added that the Hosp Association has been receiving calls from interested nurses from out of state interested in a faculty position. Ms Ricciarelli informed the Board that since the creation of the clinical placement registry there are 950 clinical placements listed and only 700 have been utilized. Thus there are ample opportunities for clinical placements for a new school. President Leasca asked Ms. Matteson to repeat her motion. Ms. Matteson made a motion to grant New England Institute of Technology (NEIT) initial approval as a nursing education program in

**Rhode Island. Seconded by Ms. Rose. Unanimously approved by the Board.**

**5. Return to Continuances from Attorneys Discussion: Attorney Greg Madoian informed the board that continuances for conducting administrative hearings are addressed in the Administrative Rules and Regulations. These regulations clearly state that two continuances are allowed for no reason and that any further requests will only be granted for good cause. The hearing officer would decide upon the final decision for good cause. Due to pending agenda items in Executive Session, President Leasca again identified that this matter must be further discussed and requested the Board reconvene the open session of the meeting at 1pm this afternoon. Donna Policastro representing the RI State Nurses Association expressed that she would be back for this discussion later that afternoon. Ms Jeremiah made the motion and Ms. Rose seconded it. The Board unanimously approved.**

## **7. Dialysis Technicians**

**Ms. McCue described that it is referring to technicians which are not licensed by the Health Department. Ms McCue further described that this is more of a licensing issue for facility regulations which licenses dialysis facilities. She will report information regarding this next month. Ms. Rose and Ms. Jeremiah made motion to defer this topic to next month, approved.**

## **7. ANNOUNCEMENTS**

**No announcements at this time.**

## **8. ADJOURNMENT TO EXECUTIVE SESSION**

**On motion of Ms Mergerdichian, seconded by Ms. Jeremiah, it was unanimously voted to move into Executive Session pursuant to 42-46-4 and 42-46-5(1) of the Rhode Island General Laws for the discussion of job performance, character, physical or mental health of applicants for licensure and licensees and for discussion of investigatory proceedings relating to misconduct by applicants licensure and licensees, and investigatory proceedings regarding allegations of civil or criminal misconduct. The Open Session adjourned at 10am.**

## **9. VOTE TO SEAL MINUTES OF EXECUTIVE SESSION PURSUANT TO SECTIONS OF 42-46-5 OF THE RHODE ISLAND GENERAL LAWS**

**On motion of Ms. Mergerdichian , seconded by Ms. Rosa, it was unanimously voted to keep confidential all matters discussed in the Executive Session and to seal those minutes in as much as fitness for licensure and ongoing disciplinary matters were addressed.**

**10. RETURN TO OPEN SESSION FOR FURTHER DISCUSSION Ms Leasca called the Open Session back to order at 1:30 pm. Ms. Policastro and Attorney Madoian returned for open session.**

Discussion took place regarding the policy for continuances. For pre hearing conferences the Board agreed that two continuances, requested in writing by the nurse's attorney, would be allowed for "good reason" only. Mr Madoain and Ms McCue would determine "good reason". For administrative hearings, regulations are already in place and dictate the Departments actions. These regulations allow two continuances, requested in writing by an attorney, without reason. Further continuances would need to be requested from the Hearing Officer and only approved by him/her. The Board agreed on this policy.

Motion made by Ms. Mergerdichian, seconded by Ms. Smith to adjourn back to executive session.

## **11. PRESENTATION OF FINAL ACTIONS**

The following cases were voted a finding of No Unprofessional Conduct

**RN09-043**

**Rn09-058**

**RN09-064**

**Rn09-085**

**RN09-039**

## **12. ADJOURNMENT**

**On motion of Ms. Rose, and seconded by Ms. Rosa, it was unanimously voted to adjourn at 2:30pm.**

**Respectfully submitted by**

**Anne Tierney, RN, MS, Secretary**